

REMARKS

Claim 2 was cancelled without prejudice or disclaimer. Thus, claims 1 and 3-11 are the claims currently pending in the Application.

Applicant thanks the Examiner for acknowledging the review and consideration of the references cited in the Information Disclosure Statements filed on December 15, 2000 and August 12, 2002 respectfully.

The Examiner objects to the Specification page 18, line 8, which incorporates subject matter into the Application but does not provide the U.S. Application number for the reference cited. The relevant paragraph of the Specification is amended. Therefore, this objection should now be withdrawn.

Rejection of Claims 1, 3-8, 10 and 11 under 35 U.S.C. § 102

Claims 1, 3-8, 10 and 11 are rejected under 35 U.S.C. § 102 as being anticipated by Applicants' Admitted Prior Art (AAPA). This rejection is traversed.

For at least the following reasons, Applicant's claimed invention is neither anticipated by nor rendered obvious from the AAPA. By way of example, independent claim 1 requires that the processor change a PIP display characteristics in response to the determination that at least one characteristic is present in the primary image, the characteristic being at least one of a continuous color portion and a continuous texture portion.

The AAPA on pages 1-3 of the Specification discloses a picture in picture (PIP) that is repositioned in response to detected motion between frames of a video image

and changes the size of the displayed PIP. Further, the AAPA discussed on pages 10, 11 and 13-17 of Applicant's disclosure discloses analyzing a picture signal to determine the presence of continuous color, text, or person images in the received picture signal.

The AAPA does not disclose or suggest a relationship between the detection of the presence of a characteristic, such as a continuous color pattern in the primary image, and changing the PIP display characteristic, such as the position of the PIP. That is, the AAPA does not disclose or suggest changing a PIP characteristic, such as the position of the PIP, in response to a characteristic in the primary image, such as a continuous color portion detected in the primary image. Clearly, the AAPA does not disclose or suggest that a PIP display characteristic is changed in response to the determination that the at least one characteristic is present in the primary image, the characteristic being at least one of a continuous color portion and a continuous texture portion, as *inter alia* required by independent claim 1.

According to an aspect of Applicant's claim invention, upon determining that a characteristic in the primary image is present, such as determining a continuous color portion, the PIP display is changed, for example by repositioning the PIP over the continuous portion detected.¹ The AAPA does not disclose or suggest the problems recognized by Applicant's disclosure, let alone disclose or suggest the solutions provided

¹ This discussion illustrates aspects of Applicant's claimed invention and problems addressed thereby. Applicant does not represent that every embodiment of Applicant's claimed invention necessarily embodies or provides the solutions herein discussed or addresses the problems herein identified.

by Applicants' claimed invention, and therefore does not even remotely disclose or suggest the limitations of claim 1.

Claims 3-8, 10 and 11 depend from independent claim 1, and thus incorporate novel and non-obvious features thereof. Therefore, claims 3-8, 10 and 11 are patentably distinguishable over the prior art for at least the reasons that independent claim 1 is patentably distinguishable over the prior art. Accordingly, this rejection should now be withdrawn.

Rejection of claim 9 under 35 U.S.C. § 103

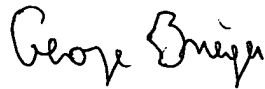
Claim 9 is rejected under 35 U.S.C. § 103 as being obvious from Applicants' admitted prior art (AAPA) in view of Rainville et al., U.S. Patent No. 2002/0069411. This rejection is traversed.

Claim 9 depends from independent claim 1, and thus incorporates novel and nonobvious features thereof. Rainville does not remedy the deficiencies of independent claim 1. Accordingly, claim 9 is patentably distinguishable over the prior art for at least the reasons that independent claim 1 is patentably distinguishable over the prior art. Therefore, this rejection should now be withdrawn.

For at least the reasons set forth in the foregoing discussion, Applicant believes that the Application is now allowable, and respectfully requests that the Examiner reconsider the rejections and allow the Application. Should the Examiner

have any questions regarding this Amendment, or regarding the Application generally,
the Examiner is invited to telephone the undersigned attorney.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "George Brieger". The signature is fluid and cursive, with the first name "George" and last name "Brieger" clearly distinguishable.

George Brieger
Registration No. 52,652

Scully, Scott, Murphy & Presser
400 Garden City Plaza
Garden City, New York 11530
(516) 742-4343, Ext. 503

GB:eg